

Court of Appeals, State of Michigan

ORDER

People of MI v Chad Ervin Mogg

Docket No. 259397

LC No. 03-013159 FH

Henry William Saad
Presiding Judge

Mark J. Cavanagh

Pat M. Donofrio
Judges

The Court orders pursuant to MCR 7.205(D)(2) that defendant's sentence imposed following his plea to violation of probation is VACATED and the matter REMANDED to the circuit court for resentencing. The legislative sentencing guidelines apply to sentences imposed after a probation revocation. Defendant must be resentenced under the legislative guidelines for the underlying conviction. *People v Hendrick*, 261 Mich App 673; 683 NW2d 218 (2004). In all other respects the application for leave to appeal is DENIED.

The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 16 2005

Date

Sandra Schultz Mengel
Chief Clerk